

EXHIBIT A

1 Q. That period of time regarding UEP certification --

2 A. Bids?

3 Q. -- and bids?

4 A. Correct.

5 Q. Okay, are you finished with your answer? I didn't mean
6 to cut you off.

7 A. I was not part of the bid process in '03 and '05.

8 Q. But, again, you testified that Giant Eagle cared about
9 the treatment of animals, the treatment of egg-laying hens
10 that supplied eggs to Giant Eagle?

11 A. Correct.

12 Q. And my question was: Did you rely on the UEP
13 certification in your bid process, which we've seen document
14 after document, did you rely on UEP certification to give you
15 comfort that the hens on the farms of Weaver Brothers and
16 Hillandale, your suppliers, were being treated humanely?

17 A. Yes. If they had checked yes, we believed that those
18 suppliers were following those rules.

19 Q. Following the UEP Certified rules?

20 A. Yes.

21 Q. Okay. Isn't it a fact, Mr. Rohr, that even to this day,
22 Giant Eagle advertises to consumers the fact that its eggs,
23 its shell eggs, are UEP Certified?

24 A. Advertises?

25 Q. Yes.

1 A. How do you define "advertises"?

2 Q. By the website.

3 A. I don't know if it's on our website. I know we don't put
4 it on our circular or our television commercials or things
5 like that. It might be on our packaging, I don't know.

6 Q. Well, we'll get to packaging in a minute.

7 Does Giant Eagle have a program known as Curbside
8 Express?

9 A. Yes.

10 Q. What is it?

11 A. It's a -- it's a service where customers can go online
12 and order their product and then come and park in specific
13 spots outside the store and our team members bring the product
14 out to them.

15 Q. Okay. Now, are you aware that if one of us today went on
16 the Internet to your Curbside Express website -- excuse me. I
17 have too many documents -- went on your website for Curbside
18 Express, looking for Giant Eagle large eggs, that if we went
19 on that website, we'd find not only a picture of an egg carton
20 with the UEP Certified label, but we'd find a description, a
21 Giant Eagle description of the eggs in that carton which said:
22 One Dozen, United Egg Producers Certified Grade A Fresh? Is
23 that something we would find or you don't know?

24 A. I don't know.

25 MR. BARNES: Let's mark as DCX-0030.

1 MR. CARTER: May I approach, Your Honor?

2 THE COURT: Yes.

3 BY MR. BARNES:

4 Q. Mr. Rohr, would you take a look at DCX-0030, which is a
5 picture. If you look down at the website address at the
6 bottom of the page, do you see that?

7 A. Yes.

8 Q. And that's a Giant Eagle website address, isn't it?

9 A. Yes.

10 Q. And the date that this was copied was 11-15-2019. That's
11 today, correct?

12 A. Correct.

13 Q. Okay. Now, does this -- this website -- this is a Giant
14 Eagle website, correct?

15 A. Correct.

16 MR. BARNES: Your Honor, I move the admission of
17 DCX-0030.

18 MS. CAIN-MANNIX: No objection, Your Honor.

19 MR. BARNES: May we publish?

20 THE COURT: Must we have? (Indicating.)

21 MR. BARNES: No, we don't, Your Honor, but didn't
22 want an objection to --

23 THE COURT: They're not objecting to that. I think
24 you can limit the exhibit to the text and not Facebook,
25 Twitter and --

1 MR. BARNES: We'll be happy. Take everything else
2 out. There we go.

3 THE COURT: There we go. It's admitted.

4 (Exhibit received in evidence.)

5 BY MR. BARNES:

6 Q. So now it's a one-page exhibit, Mr. Rohr, and this is
7 something you're providing to consumers, correct?

8 A. Yes.

9 Q. And you're telling consumers that the egg carton
10 displayed here is -- contains UEP Certified eggs, are you not?

11 A. We are.

12 Q. And the description is one dozen, United Egg Producers
13 certified Grade A fresh. And this isn't important to Giant
14 Eagle today? You don't think that's important?

15 A. My opinion? I mean, we would still have one dozen eggs
16 Grade A fresh out there whether they were UEP Certified.

17 Q. Sir, that wasn't my question.

18 A. So --

19 Q. With all respect, that wasn't my question.

20 So you don't consider, you as a vice president,
21 senior executive of Giant Eagle, do not consider it important
22 to tell consumers who are looking for eggs that the eggs you
23 are selling them are UEP Certified and produced in accordance
24 with animal welfare standards? You don't consider that
25 important?

1 A. I consider that since they're UEP Certified, we tell
2 customers that.

3 Q. But -- well, if it's not important, when you go back home
4 to Pittsburgh, are you going to go into your advertising
5 department and say, Hey, take this certified label off of
6 this, get our website designer?

7 A. No.

8 Q. You're not going to do that, are you?

9 A. No.

10 Q. One final exhibit. I'm almost there. Now -- now, that
11 was just a picture of an egg carton. Now we're going to show
12 you a real live, without eggs, egg carton. And this is
13 Defendants' Exhibit 0028.

14 MR. BARNES: And we only have one of these,
15 Your Honor, so I'd like the Court to --

16 THE COURT: No, no, it's quite all right.

17 MR. BARNES: I'll show this to the Defendants.

18 THE COURT: This is, what, tell me the number again.

19 MR. BARNES: DCX-0028.

20 THE COURT: Thank you.

21 MR. BARNES: May I approach?

22 THE COURT: Yes, you may.

23 BY MR. BARNES:

24 Q. Mr. Rohr, I've handed you an exhibit, DCX-0028. Can you
25 identify that as a Giant Eagle egg carton?

1 A. Yes, Giant Eagle large one dozen carton.

2 Q. And that's the type of container you sell to consumers in
3 your stores?

4 A. Yes.

5 Q. Is there a UEP certification label on it?

6 A. Yes.

7 Q. Is that on every egg carton regardless of the size?

8 A. Actually, I don't know the answer to that.

9 Q. Okay. Thank you.

10 MR. BARNES: Your Honor, may I publish this
11 physically to the jury?

12 THE COURT: You are.

13 MR. BARNES: Can they actually look at it? Can I
14 give it to them and have them look at it?

15 THE COURT: Yes.

16 MR. BARNES: Pardon me?

17 THE COURT: Yes. Yes.

18 MR. BARNES: Thank you, Your Honor. Anyone care to
19 look at it?

20 THE JUROR: Sure.

21 MR. BARNES: And Mr. --

22 THE COURT: Hold on. Let's do this all one at a
23 time.

24 MR. BARNES: If Mr. Coyle would be kind enough to
25 take custody of that.

1 THE COURT: Mr. Coyle, is that okay with you?

2 MR. BARNES: Mr. Coyle, you're now the custodian of
3 DCX-00 --

4 Mr. Rohr, thank you very much. You've been
5 exceedingly patient. I appreciate that. I have no further
6 questions at this time.

7 THE COURT: It's about 1 o'clock. I had promised we
8 were going to have like a 30-minute break. I'd like to live
9 up to that promise, but maybe what I'll do is survey and see
10 if anybody, if there's any further cross-examination.

11 MS. SUMNER: No, no cross-examination from us,
12 Your Honor.

13 MR. HARRIS: None from us, Your Honor.

14 THE COURT: Now, what kind of -- not what kind, but
15 how long redirect would be?

16 MS. CAIN-MANNIX: Like five minutes.

17 THE COURT: Okay, do you mind if we do that?

18 THE JUROR: Go, go, let's go. Finish it up.

19 REDIRECT EXAMINATION

20 BY MS. CAIN-MANNIX:

21 Q. Mr. Rohr, when you were the buyer of dairy -- I should
22 have cleared this up in my direct -- what products did you
23 buy, for the most part?

24 A. So I bought specific suppliers, and they were General
25 Mills, Hood, and Nestle. So coffee creamer, break-and-bake